06/19/06 MON 09:48 FAX 317 638 2139

PAUL J. MAGINOT HAROLD C. MOORE MICHAEL D. BECK DAVID M. LOCKMAN & JAMES D. WOOD RUSSELL E. FOWLER II GERALD W. ROBERTS DAVID R. MOORMAN

A GEORGIA & CHIO BARS ONLY

MAGINOT, MOORE & BECK LLP

PATENT AND TRADEMARK ATTORNEYS

CHASE TOWER 111 MONUMENT CIRCLE, SUITE 3250 INDIANAPOLIS, INDIANA 46204-5115

> TELEPHONE (317) 638-2922 FACSIMILE (317) 638-2139

RECEIVED CENTRAL FAX CENTER

→→→ USPTO

JUN 19 2006

FACSIMILE COVER SHEET

TO: USP70 - EXR RICHARD SHAFFER		
Fax#: 571-273-8300		
Company: USPTO - AU 3733		
From: MICHAEL BECK		
Date: SUNE 19, 2006		
Number of Pages: 7 (including cover sheet)		
MESSAGE: PRELIM. AMENOMENT		
SN 10/624,066		
· · · · · · · · · · · · · · · · · · ·		

The information contained in this facsimile message is privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of the communication is strictly prohibited. If you receive the communication in error, please immediately notify this office by collect telephone call and return the original message to this office at the address shown above via United States Postal Service. Thank you for your cooperation.

1842-0018

BEARIVER

→→→ USPTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Johnson et al. Application No.: 10/624,066) Examiner: Richard R. Shaffer	CENTRAL FAX CENTER
) Art Unit: 3733)	JUN 19 2006
Filed: July 21, 2003) Confirmation No. 5163	
)	
TISSUE DISTRACTION DEVICE) June 19, 2006	

SECOND PRELIMINARY AMENDMENT

MAIL STOP AMENDMENT Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant filed an RCE on June 13, 2006, with amendment and arguments in response to the Advisory Action dated June 5, 2006. Please consider the following additional amendments and remarks. It is believed that no fees are due with this response and amendment; however, the Commissioner is authorized to deduct any fees for additional claims that may be required from Deposit Account 13-0014.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on June 19, 2006 to the central facsimile number 571-273-8300.

Signature

Michael D. Beck

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.